

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.
ET AL.

Defendants.

Case No. 2:22-cv-293-JRG (Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.,

Plaintiff,

vs.

MICRON TECHNOLOGY, INC.;
MICRON SEMICONDUCTOR
PRODUCTS, INC.; MICRON
TECHNOLOGY TEXAS LLC,

Defendants.

Case No. 2:22-cv-294-JRG

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL R. RUECKHEIM IN SUPPORT OF DEFENDANT
MICRON'S MOTION FOR SUMMARY JUDGMENT ON PRE-SUIT DAMAGES**

I, Michael R. Rueckheim, declare as follows:

1. I am an attorney at the law firm of Winston & Strawn LLP, counsel of record for Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively, “Micron”) in the above captioned matter. I am a member in good standing of the State Bar of Texas. I provide this declaration in support of Micron’s Response to Netlist’s Motions *in Limine*.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from Mr. David Kennedy’s expert report in this case, dated November 20, 2023.

3. Attached as Exhibit 2 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203_00042010 – NL-MIC-203_00042043.

4. Attached as Exhibit 3 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203_00042085 – NL-MIC-203_00042147.

5. Attached as Exhibit 4 is a true and correct copy of a document produced in this case, which Netlist’s expert characterizes as a “meeting summary” of a purported April 2015 meeting between Netlist and Micron, Kennedy Rpt. ¶ 51, n. 56, and bearing Bates numbers NL-MIC-203_00042083 – NL-MIC-203_00042084.

6. Attached as Exhibit 5 is a true and correct copy of a document produced in this case, bearing Bates number NETLIST_SAMSUNG_EDTX00021960.

7. Attached as Exhibit 6 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00021928 – NETLIST_SAMSUNG_EDTX00021959.

8. Attached as Exhibit 7 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00022048 – NETLIST_SAMSUNG_EDTX00022079.

9. Attached as Exhibit 8 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00021961 -- NETLIST_SAMSUNG_EDTX00021993.

10. Attached as Exhibit 9 is a true and correct copy of excerpts of Netlist's Responses and Objections to Micron's Second Set of Interrogatories, dated November 13, 2023.

11. Attached as Exhibit 10 is a true and correct copy of a document produced in this case, which Netlist's expert characterizes as [REDACTED], Kennedy Report ¶ 340, and bearing Bates numbers NL-MIC-203-463_00030723 – NL-MIC-203-463_00030741 (NETLIST_SAMSUNG_EDTX00037749 – NETLIST_SAMSUNG_EDTX00037767).

12. Attached as Exhibit 11 is a true and correct copy of a document produced in this case, bearing Bates numbers NL-MIC-203-463_00030743 – NL-MIC-203-463_00030755.

13. Attached as Exhibit 12 is a true and correct copy of a document produced in this case, which Netlist's expert characterizes as a "2021-04-28 Letter from Marc Frechette to Sanjay Mehrotra" Kennedy Rpt. n. 602, bearing Bates numbers NL-MIC-203_00030433 – NL-MIC-203_00030436.

14. Attached as Exhibit 13 is a true and correct copy of a document produced in this case, which Netlist's expert characterizes as "Exhibit A to 2021-04-28 Letter from Marc Frechette to Sanjay Mehrotra," Kennedy Rpt. n. 602, bearing Bates number NL-MIC-203_00030437.

15. Attached as Exhibit 14 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00042440 – NETLIST_SAMSUNG_EDTX00042444.

16. Attached as Exhibit 15 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00042445 – NETLIST_SAMSUNG_EDTX00042448.

17. Attached as Exhibit 16 is a true and correct copy of a document in Case No. 2:22-cv-203-JRG-RSP, at Dkt. 429, including a “Report & Recommendation” for “Micron’s Motion for Summary Judgment of No Pre-Suit Damages.”

18. Attached as Exhibit 17 is a true and correct copy of a letter I sent to Michael Tezyan, counsel for Netlist, on May 25, 2023.

19. Attached as Exhibit 18 is a true and correct copy of excerpts of Netlist’s Second Suppl. Responses and Objections to Micron’s First Set of Interrogatories, dated November 19, 2023.

20. Attached as Exhibit 19 is a true and correct copy of excerpts of the deposition transcript of Chuck Hong, the deposition taken September 20, 2023 in *Netlist, Inc. v. Micron Technology, Inc. et al.*, 2:22-cv-203-JRG-RSP (E.D. Tex.).

21. Attached as Exhibit 20 is a true and correct copy of excerpts of the deposition transcript of Scott Milton, the deposition taken September 01, 2023 in *Netlist, Inc. v. Micron Technology, Inc. et al.*, 2:22-cv-203-JRG-RSP (E.D. Tex.).

22. Attached as Exhibit 21 is a true and correct copy of excerpts of the deposition transcript of Tobin Hobbs, the deposition taken September 13, 2023 in *Netlist, Inc. v. Micron Technology, Inc. et al.*, 2:22-cv-203-JRG-RSP (E.D. Tex.).

23. Attached as Exhibit 22 is a true and correct copy of excerpts from Dr. William Henry Mangione-Smith's expert report in this case, dated November 20, 2023.

24. Attached as Exhibit 23 is a true and correct copy of a document produced in this case, bearing Bates numbers NETLIST_SAMSUNG_EDTX00188299 – NETLIST_SAMSUNG_EDTX00188329, and cited in Dr. William Henry Mangione-Smith's expert report in Exhibit A to the report at ¶ 15.

I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct.

Executed on January 16, 2024.

/ Michael R. Rueckheim/

Michael R. Rueckheim